

Notice of Allowability

Applicant N .

10/730,392

Examiner

Jerry T Rahll

Applicant(s)

GALARZA, ANTONIO

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 08 December 2003.
2. ☒ The allowed claim(s) is/are 17-20.
3. ☒ The drawings filed on 08 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 20040126
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

AKM ENAYET ULLAH
PRIMARY EXAMINER

Jerry T Rahll

Examiner's Statement of Reasons for Allowance

Allowable Subject Matter

1. Claims 17-20 are allowed. Claims 17-20 describe a fiberoptic probe having a probe light guide body made from a single continuous fused fiberoptic rod, having an outer glass cladding providing a seal for a bundle of fused optical fibers, with an elongate cylindrical proximal end, a distal end with a tapered tip and an arcuate bent section where the arcuate bent section and distal end have a diameter equal to a constant diameter of the proximal end, except for the tapered tip which is reduced in diameter.
2. U.S. Patent No. 5,371,826 to Friedman describes a fiberoptic probe having a probe light guide body made from a single continuous fused fiberoptic rod, having an outer glass cladding providing a seal for a bundle of fused optical fibers, with an elongate cylindrical proximal end, a distal end and an arcuate bent section. Friedman does not describe the distal end with a tapered tip or the arcuate bent section and distal end have a diameter equal to a constant diameter of the proximal end, except for the tapered tip, which is reduced in diameter.
3. U.S. Patent No. 5,371,826 to Friedman remains the closest prior art of record in this application. For the reasons stated above, however, Claims 17-20 herein are deemed to patentably distinguish over Friedman and all other prior art of record.

Conclusion

4. Prior art documents submitted by applicant in the Information Disclosure Statement filed on 26 January 2004 have all been considered and made of record (note the attached copy of form PTO-1449).

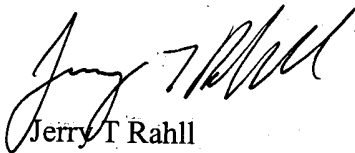
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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,353,363 to Keck et al. describes a fiberoptic probe with an arcuate bent section.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (571) 272-2356. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jerry T Rahll


AKM ENAYET ULLAH
PRIMARY EXAMINER